

1645



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joyce S. Plested et al.
 Serial No. : 10/089,583
 Filed : July 11, 2002
 Title : VACCINE

Art Unit : 1645
 Examiner : Devi, Sarvamangala J N

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Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed September 8, 2003, Applicants provisionally elect the invention of Group I, Claim 14, drawn to a neisserial inner core reactive with the B5 antibody eliciting functional antibodies against strains within the pathogenic neisserial species, with linking Claims 1-13, 15-18, and 21 to be joined with Group I. The election is respectively made with traverse.

In particular, with respect to Arumughan *et al.* (EP 0941738), we note that even Claim 1 of the patent '738 specifies "an antigenic conjugate," so that there is a carrier protein which is covalently bonded to the conserved portion of a lipopolysaccharide of a gram negative bacteria. Furthermore, this Claim 1 of patent '738 requires that the lipopolysaccharide comprises not only the inner core but also the lipid A portions of the lipopolysaccharide. This is in direct contrast to the Applicants' present invention, which requires the lipopolysaccharide core of the *Neisseria* spp. so that, at once, Applicants' invention is more restricted and, also, do not require conjugation. On this basis, we submit that Arumughan *et al.* (EP 0941738) is not novelty-destroying, and we request that the holding of lack of unity under PCT Rule 13.1 and 13.2 be withdrawn.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

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Attorney's Docket No.: 11560-003US1 / F/USP82704

Please apply any charges or credits to Deposit Account No. 06-1050, referencing attorney docket number 11560-003US1.

Respectfully submitted,



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